

Disclaimer: This checklist is for use by DEP in reviewing Notices of Activity and Use Limitation (AULs), and may not be relied upon for any other purpose. This checklist is not a comprehensive list of AUL requirements, which are fully set forth in M.G.L. c. 21E and 310 CMR 40.0000. Completion of this checklist by DEP does not constitute a final agency decision, and does not create any legal rights or relieve any party of obligations that exist pursuant to applicable laws.

**Form: AUL-1995A**



**AUL AUDIT CHECKLIST**  
**Checklist for Notice of Activity and Use Limitation -- Form 1075 (February 1, 1995 - May 7, 1995)**

CERTIFIED COPY OF FORM 1075				Citation(s) 310 CMR . . .	Comments
1	Has DEP received a <u>certified</u> copy of the AUL with proof of recording/registration, ie. is Registrar's stamp on the document, indicating it is certified? (If yes, check one of the options below): ___ AUL marked with a Registry stamp indicating an Instrument Number ___ AUL marked with a Registry stamp indicating a Book and Page Number ___ AUL marked with a Land Registration stamp indicating a Land Registration Document Number	Y	N	40.1056(2)(f) 40.1074(3)	
2	Is the Property registered land or unregistered land?	Registered	Un-registered		
REQUIREMENTS FOR COMPLETING FORM 1075				Citation(s)	Comments
3	Is the Form's boilerplate unaltered, except where alterations are allowed through bracketed language?	Y	N	40.1074(1)(a) 40.1075	
4	If the boilerplate is inappropriately altered, attach a copy of the Form with alterations highlighted.	Done	Not applicable		
5	Is the Disposal Site name identified?	Y	N	40.1074(1)(a) 40.1074(2)(c) 40.1075	
6	Is the DEP Release Tracking Number(s) identified?	Y	N	40.1074(1)(a) 40.1074(2)(c) 40.1075	
7	Is the date of the AUL identified?	Y	N	40.1074(1)(a) 40.1075	
8	Is the name of the Property Owner identified, in the following locations? ___ Paragraph 1* (see note, below) ___ Paragraph 2	Y	N	40.1074(1)(a) 40.1074(2)(b) 40.1075	
9	Is name of Property Owner consistent in all locations?	Y	N	40.1074(2)(b)	
10	If Owner is a corporation, is the state of incorporation identified?	Y	N	Not applicable For information only; not required	

\* NOTE: For purposes of auditing Notices of Activity and Use Limitation (AULs), numbers have been arbitrarily assigned to each paragraph of Form 1075 (as published in the 1/13/1995 Massachusetts Register), as indicated on the attached unofficial copy of Form 1075. These paragraph references are intended for use solely by DEP staff and contractors during audits of AULs, and are not to be cited or relied on for any other purpose.

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.					Citation(s)	Comments
11	Is the address of the Property Owner identified, in the following locations? <input type="checkbox"/> Paragraph 1 <input type="checkbox"/> Paragraph 2 (Town, County & State)	Y	N		40.1074(1)(a) 40.1075	
12	Is address of Property Owner consistent in all locations?	Y	N		40.1074(1)(a) 40.1075	
13	Does the form indicate, through use of bracketed language, whether land is vacant or improved?	Y	N	Unclear	40.1074(1)(a) 40.1075	
14	Is the address of the Property subject to the AUL identified (City/Town & County)?	Y	N		40.1074(1)(a) 40.1074(2)(a)1 40.1075	
15	Is reference made to a survey plan of the Property? (If yes, indicate the form of reference below) <input type="checkbox"/> "Registered/recorded herewith" <input type="checkbox"/> Registry of Deeds, Plan Book & Plan Number <input type="checkbox"/> Land Court Plan Number	Y	N		40.1074(1)(a) 40.1074(2)(a)2.a 40.1074(2)(a)2.b 40.1075	
16	Is optional Paragraph #4 included (indicating AUL applies only to a Portion of the Property) or omitted (indicating AUL applies to entire Property)? (Circle one)	Included		Omitted	40.1074(1)(a) 40.1074(2)(a) 40.1075	
17	Is bracketed language selected in the following locations, indicating whether the AUL applies to the entire Property or only a Portion of the Property (check all that apply)? <input type="checkbox"/> Paragraph 5(twice) <input type="checkbox"/> Paragraph 6 <input type="checkbox"/> Paragraph 8 <input type="checkbox"/> Paragraph 9 <input type="checkbox"/> Paragraph 10 <input type="checkbox"/> Paragraph 11 <input type="checkbox"/> Paragraph 13	Y	N		40.1074(1)(a) 40.1074(2)(a) 40.1075	
18	Is bracketed language indicating Property/Portion of Property consistent in all locations?	Y	N		40.1074(2)(a)	
19	Does the AUL apply to the entire Property, or only a Portion of the Property?	All	Part	Unclear		
20	If only a Portion of the Property is subject to the AUL: Is reference made to a survey plan of the Portion subject to the AUL? (If yes, indicate the form of reference below) <input type="checkbox"/> Plan "to be recorded herewith" <input type="checkbox"/> Registry of Deeds, Plan Book & Plan Number	Y	N	Not applicable	40.1074(1)(a) 40.1074(2)(a)3.a 40.1074(2)(a)3.b 40.1075	

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.					Citation(s)	Comments
21	Is bracketed language selected in the following locations, indicating whether the area subject to the AUL comprises all of the Disposal Site or only a Portion? ___ Paragraph 5 ___ Paragraph 6	Y	N		40.1074(1)(a) 40.1075	
22	Is bracketed language indicating Entire Disposal Site/Portion of Disposal Site consistent in all locations?	Y	N		40.1074(1)(a) 40.1075	
23	Does the area subject to the AUL comprise the entire Disposal Site, or only a Portion?	All	Part	Unclear		
24	Is reference made to a sketch plan showing the relationship of the Disposal Site to the Property or Portion of Property subject to the AUL?	Y	N		40.1074(1)(a) 40.1074(2)(a)4 40.1075	
25	Does the Form include the date of the AUL Opinion?	Y	N		40.1074(1)(a) 40.1075	
26	Does the Form include a description of permitted activities and uses?	Y	N		40.1074(1)(a) 40.1074(2)(d) 40.1075	
27	If yes, is the description of permitted activities and uses written in a clear and understandable manner?	Y	N		40.1074(2)(d)	
28	Does the Form include a description of inconsistent activities and uses?	Y	N		40.1074(1)(a) 40.1074(2)(f) 40.1075	
29	If yes, is the description of inconsistent activities and uses written in a clear and understandable manner?	Y	N		40.1074(2)(f)	
30	Does the Form include a description of obligations and conditions?	Y	N		40.1074(1)(a) 40.1074(2)(e) 40.1075	
31	If yes, is the description of obligations and conditions written in a clear and understandable manner?	Y	N		40.1074(2)(e)	
32	Is the Form signed by the Property Owner?	Y	N		40.1074(1)(a) 40.1074(2)(i) 40.1075	

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.				Citation(s)	Comments	
33	Is the Owner's signature an authorized and binding signature? (If yes, check one of the options below) <input type="checkbox"/> Sole ownership: signed by sole owner <input type="checkbox"/> Joint ownership: signed by all owners <input type="checkbox"/> Trust: Signed in accordance with requirements established by the trust document <input type="checkbox"/> Corporation: Certificate of incumbency AND (Check one) <input type="checkbox"/> Signed by President and Treasurer <input type="checkbox"/> Signed by President and Assistant Treasurer <input type="checkbox"/> Signed by Vice President and Treasurer <input type="checkbox"/> Signed by Vice President and Assistant Treasurer <input type="checkbox"/> Signed by other officer(s) authorized by vote of the Board of Directors, with vote authorizing said officer(s) attached to Form <input type="checkbox"/> Other (explain): _____ _____	Y	N	Unclear	40.1074(2)(i)	
34	Is the Owner's signature dated?	Y	N		40.1074(1)(a) 40.1075	
35	Is the Owner's signature properly notarized, ie. are each of the following requirements met? <input type="checkbox"/> All signatures are individually notarized <input type="checkbox"/> State and county of notary are identified <input type="checkbox"/> Owner is named in notary block <input type="checkbox"/> Notary signature is present <input type="checkbox"/> Notary signature is dated <input type="checkbox"/> Commission expiration date is identified <input type="checkbox"/> Commission is not expired at time of notarization <input type="checkbox"/> Notary seal or stamp is included (required for out-of-state notary; not required for Massachusetts notary)	Y	N		40.1074(1)(a) 40.1074(2)(i) 40.1075	
36	Is the Form signed by an LSP?	Y	N		40.1074(1)(a) 40.1074(2)(i) 40.1075	
37	Is the LSP's signature dated?	Y	N		40.1074(1)(a) 40.1075	
38	Is the LSP's signature dated on or after (not before) the date of owner's signature? (Enter dates below): Date of LSP's signature _____ Date of Owner's signature _____	Y	N			
39	Is LSP's signature sealed with LSP stamp?	Y	N		40.1074(1)(a) 40.1074(2)(i) 40.1075	

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.				Citation(s)	Comments
40	Is the LSP's signature properly notarized, ie. are each of the following requirements met? ___ State and county of notary are identified ___ LSP is named in notary block ___ Notary signature is present ___ Notary signature is dated ___ Commission expiration date is identified ___ Commission is not expired at time of notarization ___ Notary seal or stamp is included (required for out-of-state notary; not required for Massachusetts notary)	Y	N	40.1074(1)(a) 40.1074(2)(i) 40.1075	
<b>REQUIRED ATTACHMENTS TO FORM 1075</b>					
<b>LEGAL DESCRIPTIONS AND SURVEY PLANS</b>				Citation(s)	Comments
41	Is a legal description of the parcel subject to the AUL (either a running description or a bounding description ) attached as Exhibit A? (Check one): ___ Running (metes & bounds) description (unregistered land) ___ Bounding description (registered land)	Y	N	40.1074(2)(a)2	
42	If only a Portion of the parcel is subject to the AUL, is a legal description of that Portion (running description) attached as Exhibit A-1 or otherwise attached?	Y	N	Not applicable	40.1074(2)(a)3
43	If Property is registered and only a Portion of the Property is subject to the AUL, is an 8.5" x 11" survey plan of the restricted Portion attached as Exhibit A-2 or otherwise attached?	Y	N	Not applicable	40.1074(2)(a)3.a
44	If the Property is registered, and only a Portion of the Property is subject to the AUL, and an 8 ½" x 11" survey plan of the Portion is attached as Exhibit A-2 or otherwise attached, does the description of the Portion subject to the AUL (Exhibit A-1) conform to the survey plan?	Y	N	Not applicable	40.1074(2)(a)3
<b>SKETCH PLAN</b>				Citation(s)	Comments
45	Is a sketch plan attached as Exhibit B or otherwise attached?	Y	N	40.1074(2)(a)4	
46	Does the sketch plan clearly illustrate the relationship of the area subject to the AUL to the boundaries of the Disposal Site?	Y	N	40.1074(2)(a)4	
47	Is the sketch plan consistent with the Form (e.g. if the Form indicates that only a Portion of the Property is restricted, does the sketch plan conform)?	Y	N	40.1074(2)(a)4	
<b>LSP OPINION</b>				Citation(s)	Comments
48	Is a LSP Opinion, in narrative form, attached as Exhibit D or otherwise attached?	Y	N	40.1056(1)(f) 40.1056(2)(g) 40.1074(1)(b)	
49	Is the LSP Opinion signed?	Y	N	40.0015(1)	
50	Is LSP's signature dated?	Y	N	40.0015(1)	
51	Is LSP's seal included?	Y	N	40.0015(1)	

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CONSISTENCY OF FORMS, ATTACHMENTS & PLANS				Citation(s)	Comments
52	Do the permitted uses in the Form match those in the LSP Opinion?	Y	N	40.1056(2)(g)	
53	Do the inconsistent uses in the Form match those in the LSP Opinion?	Y	N	40.1056(2)(g)	
54	Do the conditions and obligations in the Form match those in the LSP Opinion?	Y	N	40.1056(2)(g)	
55	Are the Form's descriptions of permitted activities, inconsistent activities, and obligations and conditions consistent with each other?	Y	N	40.1056(2)(g)	
56	Is the date of the LSP Opinion consistent with the AUL Opinion date listed in the Form?	Y	N		
57	Is the date of the AUL Document (paragraph 1) consistent with the date of the Owner's signature in the signature block (paragraph 16)?	Y	N		
PUBLIC NOTICE REQUIREMENTS				Citation(s)	Comments
58	Was evidence submitted that a copy of the Form was forwarded to the local officials listed below within 7 days of being recorded or registered? ___ Chief Municipal Officer ___ Board of Health ___ Zoning Official ___ Building Code Enforcement Official	Y	N	40.1090(1) 40.1403(7)(a)	
59	Was evidence submitted that notice of the AUL was published in a local newspaper within 7 days of being recorded or registered?	Y	N	40.1090(1) 40.1403(7)(b)	
60	If yes, did the published notice include the following? ___ The name, address, and RTN of the disposal site ___ The type of Activity and Use Limitation (ie. Notice of Activity and Use Limitation) ___ Information about where the AUL and site file can be reviewed ___ The name, address and phone number of the person recording the AUL	Y	N	Not applicable 40.1090(1); 40.1403(7)(b)	
REQUIREMENTS FOR RECORDING/REGISTERING FORM 1075				Citation(s)	Comments
61	Was the AUL recorded at the Registry of Deeds and/or registered at the Land Registration Office?	Y	N	40.1074(3)	
62	Was the certified Registry copy of the Form forwarded to DEP within 30 days of being recorded or registered?	Y	N	40.1074(3)	
63	Was the Form current at the time it was registered or recorded? If not, which version of the Form should have been used? _____	Y	N	40.1074(1)(a) 40.1075	

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REQUIREMENTS FOR RECORDING/REGISTERING FORM 1075, cont. (questions which may require research at Registry of Deeds and/or Land Registration Office)					Citation(s)	Comments
64	If land is unregistered: Was a survey plan of the Property containing the area subject to the AUL recorded as a Plan with the Registry of Deeds prior to or with the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N	Not applicable	40.1074(2)(a)2.a 40.1074(2)(a)2.b	
65	If yes, does the legal description of the Property containing the area subject to the AUL (Exhibit A) conform to the survey plan of the Property?	Y	N	Not applicable	40.1074(2)(a)2	
66	If land is unregistered and only a Portion of the Property is subject to the AUL: Was a survey plan of the Portion recorded as a Plan with the Registry of Deeds prior to or with the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N	Not applicable	40.1074(2)(a)3.a 40.1074(2)(a)3.b	
67	If yes, does the legal description of the Portion (Exhibit A-1) conform to the survey plan of the Portion?	Y	N	Not applicable	40.1074(2)(a)3	
REQUIREMENTS FOR RECORDING/REGISTERING FORM 1075, cont. (questions which may require research at Registry of Deeds and/or Land Registration Office, cont.)					Citation(s)	Comments
68	If land is registered, obtain a copy of the Land Court Plan of the Property containing the area subject to the AUL, on file at the Land Registration Office.	Done		Not applicable		
69	If land is registered, does the legal description of the Property containing the area subject to the AUL(Exhibit A) conform to the Land Court Plan of the Property?	Y	N	Not applicable	40.1074(2)(a)2	
70	If land is registered, and only a Portion of the Property is subject to the AUL, and an 8 ½" x 11" survey plan of the Portion is not attached as an Exhibit: Was a survey plan of the Portion recorded as a Plan with the Registry of Deeds prior to or with the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N	Not applicable	40.1074(2)(a)3.a 40.1074(2)(a)3.b	
71	If yes, does the legal description of the Portion (Exhibit A-1) conform to the survey plan of the Portion?	Y	N	Not applicable	40.1074(2)(a)3	
COMMENTS						